

2 Panthers alter plea in New Haven

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Two members of the New Haven Panther 14 have pleaded guilty and a third has testified for the state.

These developments took place last week as superior court judge Aaron Palmer heard evidence on the request of five of the accused for bail. He reserved decision.

The 14 Black Panther party members have been held without bail since May—all accused of participating in the murder of Alex Rackley, 25. The state alleges the Panthers tortured and killed Rackley, a party member, for being a police informer. The party denies the murder and maintains Rackley was a member in good standing.

Party chairman Bobby Seale, currently serving four years in jail for contempt of court stemming from the Chicago trial of the Conspiracy 8, was charged in the New Haven case in August and is in a California prison awaiting a hearing on whether to extradite him to Connecticut.

Seale was named in the indictment by George Sams Jr., 23, who was arrested in Toronto early in August. The Panther party insists Sams is actually the police informer and that he is part of a government conspiracy to frame the other New Haven defendants.

Sams, as expected, pleaded guilty to second degree murder Dec. 1. The second confession—for conspiracy to commit kidnapping—was made by Loretta Lukes, 22, who is eight months pregnant and who has been held in prison under deplorable conditions for the last six months. She originally pleaded innocent. Defendant Jeanie Wilson, 16, at first refused to testify but later, under threat of being sent to jail until she was 21 if she remained silent, decided to turn state's evidence. Her testimony did not include any statements about torture or murder.

Rackley was allegedly kidnapped by party members, subjected to a kangaroo trial, tortured, murdered and dumped into a swamp in Middlefield, Conn., May 21.

None of the five Panthers seeking bail or the six others who did not seek the bail right have confessed to any crime.

A bail hearing is called for under Connecticut law in a capital case when the prosecution and judge agree bail should be denied.

In order to have bail denied when challenged, the state must demonstrate "the proof is evident and the presumption against the defendant great." Under these conditions, the state can use a bail hearing to produce any evidence—even when highly questionable—for the record. Thus, even if the prosecution relies on the testimony of unreliable police agents or persons they have forced to testify (which is what the Panthers charge about the evidence in this case) a bail hearing is an opportunity for the state to reveal such testimony for later use—before witnesses change their minds or repudiate confessions acquired under duress.

During the 11-day bail hearing the prosecution played two

tape recordings which implicated the defendants in Rackley's death. The defense argued the tapes were illegal evidence because identification of voices is unreliable and that they were illegally seized.

Since he was only presiding over a bail hearing and not a trial, the judge admitted the tapes.

When finally played—the prosecution has revealed their contents to the press for months—the recordings turned out to be vague and suspicious in nature. For example, the first tape began, "My name is Ericka Huggins . . ." and then went on to an alleged interrogation of Rackley. Although the tapes contained much purported questioning of Rackley, there is no indication that Rackley (or the voice alleged to be Rackley) feared for his life, had been tortured or that anyone planned to murder him. It is also not explained satisfactorily why Ericka Huggins would have incriminated herself so directly.

The Panthers charge the tapes are a fraud.

Miss Lukes, brought to the stand to hear the tapes, displayed an amazing ability to identify the voices after hearing only one or two words—even though she had been in the party for only a brief period before her arrest and was not closely familiar with several of the voices.

Commenting on her testimony, a Panther spokesman said: "Loretta Lukes has been kept in near solitary confinement for the last six months. We say she is either an agent or has been intimidated."

Speaking of Sams' confession, the spokesman declared: "Last July Sams was exposed as a police agent." When arrested in August on the basis of Sams' revelation to police, Seale said Sams was ousted from the party in April 1968 but was allowed back in at the request of another Panther official. Interviewed in jail Aug. 22, Seale stated that "Sams is an agent. He's clearly the one who murdered this person."

The two other defendants called to testify at the bail hearing were Maude Francis, 15 and Miss Wilson. Since both are juveniles, they can be held indefinitely without a trial until they reach age 21.

Maude Francis, put on the stand first, refused to testify. She was sent back to jail, which could be for six years, until she agreed—not to mention possible sentence when her case actually comes to trial.

Miss Wilson also refused to testify but later changed her mind—perhaps in fear of sharing the same fate as Maude Francis. Her testimony, for all the publicity it got, did not describe torture, trial, murder, or anything of that nature.

Throughout the bail hearing the defense was severely limited because it could not—for strategic legal reasons—put any of the defendants on the stand to counteract the state's testimony.

Commenting on the hearings and government efforts to smash the party, the Panther spokesman summed up: "As long as there are Black Panthers, as long as there are black people, there will be a Black Panther party."